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EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/889,841	<b>Applicant(s)</b> SAITO ET AL.	
	<b>Examiner</b> Sam Bhattacharya	<b>Art Unit</b> 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4-9,12-14,16 and 17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-9,12-14,16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4-5, 9, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwasaki et al. (JP 10200493 A) (English Translation).

As to claim 4, the Iwasaki reference discloses an information delivery system comprising:

a database for storing first information with a high frequency of request and second information with a lower frequency of request as compared with said first information (“the center server CSV distributes content items such as wide area information to the PHS terminals PS1 to PSn and distributes content items to the local server LSV. The local server provides content items of broadcasting programs distributed from the center server CSV and information content items closely relating to a region in which the base station CS1-CSm is disposed” (page 21, paragraph [0059], lines 1-6). “In relation to a content item on which a large number of requests concentrate, i.e., a popular content item, a plurality of dedicated channels are reserved, and such a content item is provided in a broadcasting form” (page 26, paragraph [0077], lines 1-3). “Upon receipt of the request from the PHS terminal PS1, the base station CS1 judges whether the request is a communication request or a broadcasting service request” (page 23, paragraph [0067], lines 1-3));

a broadcast station for obtaining said first information from said database to deliver the first information by utilizing broadcast waves (“when the service selected by the user is a broadcasting service, the PHS terminal PS1 radio-transmits to the local server LSV a request for a desired broadcasting program service (step 106). Upon receipt of the request, the base station CS1 releases the communication channel and allots a dedicated communication channel (a broadcasting channel) through which broadcasting is performed at all times. Subsequently, the PHS terminal PS1 obtains the desired content item from the allotted broadcasting channel (step 107)” (page 23, paragraph [0069], lines 1-9));

an information delivery device for obtaining said second information from said database to deliver the second information in response to a request (“in this case, since the request is a communication request, on the basis of the received communication request, the base station CS1 allots to the PHS terminal PS1 a free communication channel among the plurality of communication channels, whereby communications with the PHS terminal PS1 are enabled. Subsequently, the PHS terminal PS1 requests a desired content item by use of the allotted communication channel (step 104) and obtains the content item from the communication channel (step 105) (page 23, paragraph [0068], lines 1-7));

a mobile communication terminal served by a mobile communication network which is connected to said information delivery device, for requesting said information delivery device to deliver said information via said mobile communication network (“when the user has selected a desired service through operation the KB 34 (step 102), the PHS terminal PS1 radio-transmits a communication request to the local server LSV when the selected service is an ordinarily communication service. Upon receipt of the request from the PHS terminal PS1, the base station

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CS1 judges whether the request is a communication request or a broadcasting service request”

(page 22, paragraph [0066] line 5 to page 23, paragraph [0067], line 3)); and

an information receiving terminal including first receiving means for receiving said information broadcast from said broadcast station and second receiving means for receiving said information delivered from said information delivery device, said information receiving terminal receiving said first information by said first receiving means when said mobile communication terminal requests to deliver said first information, while said information receiving terminal receiving said second information by said second receiving means when said mobile communication terminal requests to deliver said second information (for broadcasting service, “upon receipt of the request, the base station CS1 releases the communication channel and allots a dedicated communication channel (a broadcasting channel) through which broadcasting is performed at all times. Subsequently, the PHS terminal PS1 obtains the desired content item from the allotted broadcasting channel (step 107)” (page 23, paragraph [0069], lines 1-9). “In this case, since the request is a communication request, on the basis of the received communication request, the base station CS1 allots to the PHS terminal PS1 a free communication channel among the plurality of communication channels, whereby communications with the PHS terminal PS1 are enabled. Subsequently, the PHS terminal PS1 requests a desired content item by use of the allotted communication channel (step 104) and obtains the content item from the communication channel (step 105) (page 23, paragraph [0068], lines 1-7)).

As to claim 5, the Iwasaki reference discloses an information delivery system comprising:

a database for storing first information with a high frequency of request, second information with a lower frequency of request as compared with said first information and decrypting keys for decrypting said first information and said second information (“when the PHS terminal PS1 requests the local server LSV to provide a desired content, an encryption key for the content items of the B company is passed from the local server LSV to the PHS terminal PS1” (page 24, paragraph [0070], lines 6-8). See also (page 21, paragraph [0059], lines 1-6), (page 26, paragraph [0077], lines 1-3), and (page 23, paragraph [0067], lines 1-3));

a broadcast station for obtaining said first information from said database to deliver the first information by utilizing broadcast waves (See (page 23, paragraph [0069], lines 1-9));

an information delivery device for obtaining said second information and said decrypting keys from said database to deliver said second information and said decrypting keys in response to a request (See (page 23, paragraph [0068], lines 1-7). “When the PHS terminal PS1 requests the local server LSV to provide a desired content, an encryption key for the content items of the B company is passed from the local server LSV to the PHS terminal PS1” (page 24, paragraph [0070], lines 6-8));

a mobile communication terminal served by a mobile communication network which is connected to said information delivery device, for requesting said information delivery device to deliver said information via said mobile communication network (See (page 22, paragraph [0066] line 5 to page 23, paragraph [0067], line 3)); and

an information receiving terminal including first receiving means for receiving information broadcast from said broadcast station and second receiving means for receiving information delivered from said information delivery device, said information receiving terminal

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receiving, when said mobile communication terminal requests to deliver said first information, said first information by said first receiving means and the decrypting keys for said first information by said second receiving means, while said information receiving terminal receiving, when said mobile communication terminal requests to deliver said second information, said second information and the decrypting keys therefor by said second receiving means (See (page 23, paragraph [0069], lines 1-9) and (page 23, paragraph [0068], lines 1-7). “When the PHS terminal PS1 requests the local server LSV to provide a desired content, an encryption key for the content items of the B company is passed from the local server LSV to the PHS terminal PS1” (page 24, paragraph [0070], lines 6-8)).

As to claim 9, the Iwasaki reference discloses an information delivery system as defined in claim 5, further comprising means for counting the number of request for delivery operations for each information to be delivered and differentiating between said first information and said second information (“in relation to a content item on which a large number of requests concentrate, i.e., a popular content item, a plurality of dedicated channels are reserved, and such a content item is provided in a broadcasting form” (page 26, paragraph [0077], lines 1-3)).

As to claim 16, the Iwasaki reference discloses a method of delivering first information with a high frequency of request and second information with a lower frequency of request as compared with said first information stored in a database, in response to a request from a mobile communication terminal served by a mobile communication network (See (page 21, paragraph [0059], lines 1-6), (page 26, paragraph [0077], lines 1-3), and (page 23, paragraph [0067], lines 1-3)): the method comprising:

a step in which an information delivery device receives a delivery request information, said delivery request information being transmitted from said mobile communication terminal and including specifying information for specifying a terminal to which information is to be delivered, and said information delivery device being connected to said mobile communication network via said mobile communication network (“when the user has selected a desired service through operation the KB 34 (step 102), the PHS terminal PS1 radio-transmits a communication request to the local server LSV when the selected service is an ordinarily communication service. Upon receipt of the request from the PHS terminal PS1, the base station CS1 judges whether the request is a communication request or a broadcasting service request” (page 22, paragraph [0066] line 5 to page 23, paragraph [0067], line 3). “In this case, since the request is a communication request, on the basis of the received communication request, the base station CS1 allots to the PHS terminal PS1 a free communication channel among the plurality of communication channels, whereby communications with the PHS terminal PS1 are enabled. Subsequently, the PHS terminal PS1 requests a desired content item by use of the allotted communication channel (step 104) and obtains the content item from the communication channel (step 105) (page 23, paragraph [0068], lines 1-7)); and

a step of, when said delivery request information transmitted from said mobile communication terminal for requesting to deliver said first information is received by said information delivery device, obtaining said first information to be delivered from said database and transmitting the first information from a broadcast station by utilizing broadcast waves, while when said delivery request information transmitted from said mobile communication terminal for requesting to deliver said second information is received by said information



delivery device, obtaining said second information to be delivered from said database and transmitting the second information from said information delivery device to said terminal to which such information is to be delivered, said terminal being specified by said specifying information included in said delivery request information (See (page 23, paragraph [0069], lines 1-9) and (page 23, paragraph [0068], lines 1-7)).

As to claim 17, the Iwasaki reference discloses a method of delivering first information with a high frequency of request and second information with a lower frequency of request as compared with said first information stored in a database, in response to a request from a mobile communication terminal served by a mobile communication network (See (page 21, paragraph [0059], lines 1-6), (page 26, paragraph [0077], lines 1-3), and (page 23, paragraph [0067], lines 1-3)): the method comprising:

a step in which an information delivery device receives a delivery request information, said delivery request information being transmitted from said mobile communication terminal and including specifying information for specifying a terminal to which information is to be delivered, and said information delivery device being connected to said mobile communication network via said mobile communication network (“when the user has selected a desired service through operation the KB 34 (step 102), the PHS terminal PS1 radio-transmits a communication request to the local server LSV when the selected service is an ordinarily communication service. Upon receipt of the request from the PHS terminal PS1, the base station CS1 judges whether the request is a communication request or a broadcasting service request” (page 22, paragraph [0066] line 5 to page 23, paragraph [0067], line 3). “In this case, since the request is a communication request, on the basis of the received communication request, the base station

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CS1 allots to the PHS terminal PS1 a free communication channel among the plurality of communication channels, whereby communications with the PHS terminal PS1 are enabled.

Subsequently, the PHS terminal PS1 requests a desired content item by use of the allotted communication channel (step 104) and obtains the content item from the communication channel (step 105) (page 23, paragraph [0068], lines 1-7)); and

a step of, when said delivery request information transmitted from said mobile communication terminal for requesting to deliver said first information is received by said information delivery device, obtaining said first information to be delivered from said database and transmitting the first information from a broadcast station by utilizing broadcast waves, encrypting said obtained first information to deliver them from a broadcast station by utilizing broadcast waves, and transmitting decrypting keys for decrypting said encrypted first information from said information delivery device to said terminal to which said information is to be delivered, said terminal being specified by said specifying information included in said delivery request information, while when said delivery request information transmitted from said mobile communication terminal for requesting to deliver said second information is received by said information delivery device, obtaining said second information to be delivered from said database, encrypting said obtained second information and transmitting them together with a decrypting key for decoding said encrypted second information from said information delivery device to said terminal to which said information is to be delivered, said terminal being specified by said specifying information included in said delivery request information (See (page 23, paragraph [0069], lines 1-9) and (page 23, paragraph [0068], lines 1-7). “When the PHS terminal PS1 requests the local server LSV to provide a desired content, an encryption key for the content

items of the B company is passed from the local server LSV to the PHS terminal PS1. When the user performs a predetermined operation on the basis of the encryption key, the user is permitted to read the contents of the electronic newspaper of company B” (page 24, paragraph [0070], lines 6-11)).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10200493 to Iwasaki et al. in view of Luegering (DE 4424380 A1) (English Translation).

As to claim 6, the Iwasaki reference discloses an information delivery system as defined in claim 5, wherein said mobile communication terminal comprising:

first receiving means for receiving information broadcast from said broadcast station (“when the service selected by the user is a broadcasting service, the PHS terminal PS1 radio-transmits to the local server LSV a request for a desired broadcasting program service (step 106). Upon receipt of the request, the base station CS1 releases the communication channel and allots a dedicated communication channel (a broadcasting channel) through which broadcasting is performed at all times. Subsequently, the PHS terminal PS1 obtains the desired content item from the allotted broadcasting channel (step 107)” (page 23, paragraph [0069], lines 1-9));

second receiving means for receiving information delivered from said information delivery device (“in this case, since the request is a communication request, on the basis of the received communication request, the base station CS1 allots to the PHS terminal PS1 a free communication channel among the plurality of communication channels, whereby communications with the PHS terminal PS1 are enabled. Subsequently, the PHS terminal PS1 requests a desired content item by use of the allotted communication channel (step 104) and obtains the content item from the communication channel (step 105) (page 23, paragraph [0068], lines 1-7)), and

means for specifying the mobile communication terminal as a destination to which said information is to be delivered (“when the user has selected a desired service through operation of the KB 34 (step 102), the PHS terminal PS1 radio-transmits a communication request to the local server LSV when the selected service is an ordinarily communication” (page 23, paragraph [0066], lines 5-8). “The base station CS1 allots to the PHS terminal PS1 a free communication channel among the plurality of communication channels, whereby communications with the PHS terminal PS1 are enabled. Subsequently, the PHS terminal PS1 requests a desired content item by use of the allotted communication channel (step 104) and obtains the content item from the communication channel (step 105) (page 23, paragraph [0068], lines 2-7));

and wherein said information delivery device transmits said first information when said mobile communication terminal requests to deliver said first information, while said information delivery device transmits said second information and said decrypting keys therefor when said mobile communication terminal requests to deliver said second information (See (page 23, paragraph [0068], lines 1-7). “When the PHS terminal PS1 requests the local server LSV to

provide a desired content, an encryption key for the content items of the B company is passed from the local server LSV to the PHS terminal PS1” (page 24, paragraph [0070], lines 6-8));

said mobile communication terminal and said information receiving terminal receive, when said mobile communication terminal requests to deliver said first information, said first information by said first receiving means and the decrypting keys for said first information by said second receiving means, while said mobile communication terminal and said information receiving terminal receives, when said mobile communication terminal requests to deliver said second information, said second information and the decrypting keys therefor by said second receiving means (See (page 23, paragraph [0069], lines 1-9) and (page 23, paragraph [0068], lines 1-7). “When the PHS terminal PS1 requests the local server LSV to provide a desired content, an encryption key for the content items of the B company is passed from the local server LSV to the PHS terminal PS1” (page 24, paragraph [0070], lines 6-8)).

However, the Iwasaki reference does not disclose means for specifying the information receiving terminal as a destination to which said information is to be delivered. The Luegering reference teaches means for specifying the information receiving terminal as a destination to which said information is to be delivered (“in the method according to the invention, the program request is transmitted to the managing means 6 by means of a subscriber’s mobile telephone unit 7 via a digital mobile telephone network 8 and a data line 9” (page 4, lines 21-23). “A broadcast transmitter 1 transmits coded video signal which are received by a receiver 2. Display thereof on the display screen 3 or record thereof using a video recorder 4 requires a decoding step in a decoding means 5” (page 4, lines 9-12)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Iwasaki wherein the mobile communication terminal comprises means for specifying the information receiving terminal as a destination to which said information is to be delivered, as taught by Luegering, in order to enable further interactive broadcast applications in a mobile environment.

As to claim 7, Iwasaki-Luegering discloses an information delivery system as defined in claim 6. The Iwasaki reference further discloses the database further stores guide information for guiding said first information; said broadcast station obtains said guide information together with said first information and broadcasts said first information and said guide information by utilizing broadcast channels different from each other; and said first receiving means of said mobile communication terminal includes a receiving channel for receiving said first information and another receiving channel for receiving said guide information. (“a broadcasting service is provided by use of channel 2; and PHS terminals PS2 and PS3 receive the same content item. A PHS terminal PS4 performs ordinary communications through channel 4” (page 21, paragraph [0063], lines 2-5). “The channel for providing a broadcasting service is called a broadcast channel, and the channel for providing an ordinary communication service is called a communication channel” (page 21, paragraph [0064], lines 6-9). “The user of the PHS terminal PS1 performs a predetermined service-menu request operation by use of the KB 34 of the PHS terminal PS1 in order to request the local server LSV for a service menu. In response thereto, the PHS terminal PS1 radio-transmits a link-channel establishment request to the public digital network INW (the base station CS1-CSm in this case) by use of a physical slot for control. Upon receipt of the link-channel establishment request, the base station CS1 allocates a link channel

and designates a physical slot for communications (communication channel) for the PHS terminal PS1” (page 25, paragraph [0072], line 1 to page 21, paragraph [0073], line 3). “After establishment of the link, the PHS terminal PS1 requests the service menu” (page 25, paragraph [0073], lines 7-8). “The transferred service menu is displayed on the DP 33 of the PHS terminal PS1. When the user selects a desired content item (program information) from the displayed service menu, the PHS terminal PS1 radio-transmits a request for a desired content item (a broadcasting service request) to the local server LSV via the base station CS1” (page 25, paragraph [0074], lines 1-5). “Upon receipt of the broadcasting service request, the local server LSV memorizes information regarding the PHS terminal PS1 which has transmitted the request and temporarily releases the communication channel for the PHS terminal PS1. The PHS terminal PS1 transmits the link-channel establishment again. The base station CS1 and the local server LSV identify the memorized PHS terminal PS1 from the incoming identification code of the link-channel establishment request message and allots a broadcasting channel through link-channel allocation. Since a content item is always distributed to the broadcasting channel, the PHS terminal PS1 can receive the content simultaneously with the operation of capturing the allocated broadcasting channel” (page 25, paragraph [0075], lines 1-11));

As to claim 8, Iwasaki-Luegering discloses an information delivery system as defined in claim 7. The Iwasaki reference further discloses the guide information includes identification information for identifying said first information; and said mobile communication terminal requests to deliver said first information by transmitting said identification information to said information delivery device, said identification information being received together with said guide information by said first receiving means (“after establishment of the link, the PHS

terminal PS1 requests the service menu” (page 25, paragraph [0073], lines 7-8). “The transferred service menu is displayed on the DP 33 of the PHS terminal PS1. When the user selects a desired content item (program information) from the displayed service menu, the PHS terminal PS1 radio-transmits a request for a desired content item (a broadcasting service request) to the local server LSV via the base station CS1” (page 25, paragraph [0074], lines 1-5)).

As to claim 12, the Iwasaki reference discloses a mobile communication terminal comprising:

requesting means for requesting an information delivery device to deliver information, said device being connected to a mobile communication network (“when the user has selected a desired service through operation of the KB 34 (step 102), the PHS terminal PS1 radio-transmits a communication request to the local server LSV when the selected service is an ordinarily communication” (page 23, paragraph [0066], lines 5-8));

first receiving means for receiving first information broadcast from said broadcast station (“when the service selected by the user is a broadcasting service, the PHS terminal PS1 radio-transmits to the local server LSV a request for a desired broadcasting program service (step 106). Upon receipt of the request, the base station CS1 releases the communication channel and allots a dedicated communication channel (a broadcasting channel) through which broadcasting is performed at all times. Subsequently, the PHS terminal PS1 obtains the desired content item from the allotted broadcasting channel (step 107)” (page 23, paragraph [0069], lines 1-9));

second receiving means for receiving second information delivered from said information delivery device (“in this case, since the request is a communication request, on the basis of the received communication request, the base station CS1 allots to the PHS terminal PS1 a free



communication channel among the plurality of communication channels, whereby communications with the PHS terminal PS1 are enabled. Subsequently, the PHS terminal PS1 requests a desired content item by use of the allotted communication channel (step 104) and obtains the content item from the communication channel (step 105) (page 23, paragraph [0068], lines 1-7)); and

means for specifying, to said information delivery device, the mobile communication terminal capable of receiving said first and second information as a destination to which said information is to be delivered (“when the user has selected a desired service through operation of the KB 34 (step 102), the PHS terminal PS1 radio-transmits a communication request to the local server LSV when the selected service is an ordinarily communication” (page 23, paragraph [0066], lines 5-8). “The base station CS1 allots to the PHS terminal PS1 a free communication channel among the plurality of communication channels, whereby communications with the PHS terminal PS1 are enabled. Subsequently, the PHS terminal PS1 requests a desired content item by use of the allotted communication channel (step 104) and obtains the content item from the communication channel (step 105) (page 23, paragraph [0068], lines 2-7). For broadcasting service, “upon receipt of the request, the base station CS1 releases the communication channel and allots a dedicated communication channel (a broadcasting channel) through which broadcasting is performed at all times. Subsequently, the PHS terminal PS1 obtains the desired content item from the allotted broadcasting channel (step 107)” (page 23, paragraph [0069], lines 1-9)).

However, the Iwasaki reference does not disclose means for specifying, to said information delivery device, another information receiving terminal capable of receiving said

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first and second information as a destination to which said information is to be delivered. The Luegering reference teaches means for specifying, to said information delivery device, another information receiving terminal capable of receiving said first and second information as a destination to which said information is to be delivered (“in the method according to the invention, the program request is transmitted to the managing means 6 by means of a subscriber’s mobile telephone unit 7 via a digital mobile telephone network 8 and a data line 9” (page 4, lines 21-23). “A broadcast transmitter 1 transmits coded video signal which are received by a receiver 2. Display thereof on the display screen 3 or record thereof using a video recorder 4 requires a decoding step in a decoding means 5” (page 4, lines 9-12)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the terminal of Iwasaki to comprise means for specifying, to said information delivery device, another information receiving terminal capable of receiving said first and second information as a destination to which said information is to be delivered, as taught by Luegering, in order to enable further interactive broadcast applications in a mobile environment.

As to claim 13, Iwasaki-Luegering discloses mobile communication terminal as defined in claim 12. The Iwasaki reference further discloses the second receiving means receives said second information and also decrypting keys for decrypting said first information and said second information (See (page 23, paragraph [0069], lines 1-9) and (page 23, paragraph [0068], lines 1-7). “When the PHS terminal PS1 requests the local server LSV to provide a desired content, an encryption key for the content items of the B company is passed from the local server LSV to the PHS terminal PS1” (page 24, paragraph [0070], lines 6-8)).

As to claim 14, Iwasaki-Luegering discloses a mobile communication terminal as defined in any one of claims 12 to 13, further comprising radio wireless data communication means served by a portable telephone network, for making a wireless data communication via said network, and wherein said information delivering request from said requesting means is made by utilizing the wireless data communication via said portable telephone network (Luegering; “in the method according to the invention, the program request is transmitted to the managing means 6 by means of a subscriber’s mobile telephone unit 7 via a digital mobile telephone network 8 and a data line 9” (page 4, lines 21-23)).

### ***Response to Arguments***

1. Applicant's arguments filed 8/11/04 have been fully considered but they are not persuasive.

Applicant argues that Iwasaki does not disclose storage of different information in the LSV and CSV. Examiner respectfully disagrees. Iwasaki discloses that various content items are distributed from the to the ISDN IF 21 of each of the base stations CSI to CSm. And moreover, these distributed content items are accumulated in the local server LSV via the internal bus. See paragraph [0055], lines 1-3. Since only some of the information in the CSV is distributed in the LSV, the information stored in the LSV is different from that stored in the CSV.

Applicant states that the system of Iwasaki is inefficient in it employment of resources in that it does not cause the content provider (CSV or LSV) to be changed dependent on the popularity of music requested. Applicant also states that in the instant invention, two potential

destinations of information, MS and STB, are provided, thereby enabling a user of the MS to select one or the other of these prescribed destinations. Examiner responds that the use of the term “or” in the claims is interpreted to mean that any one of the claimed terminals can be the destination. Moreover, it is noted that the features upon which applicant relies (i.e., MS, STB and changing the content provider based on popularity of music) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

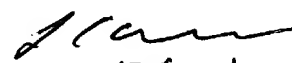
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171. The examiner can normally be reached on weekdays 8:30 a.m. to 6:00 p.m., first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (703) 305-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
12/22/04  
LESTER G. KINCAID  
PRIMARY EXAMINER